



Hon. Diane Evers MLC
Member for the South West Region

Director
Aboriginal Policy and Coordination Unit
Department of the Premier and Cabinet
Dumas House
2 Havelock Street
West Perth WA 6005

Dear Director,

A Path Forward: Developing the Western Australian Government's Aboriginal Empowerment Strategy

I am writing to comment on the State Government's initiative in developing a whole-of-government strategy: *A Path Forward Developing the Western Australian Government's Aboriginal Empowerment Strategy*.

I will use the term "First Nations people" throughout the submission, since Greens (WA) have been requested by First Nations people to use that language. However, the choice of language should of course be up to First Nations/Aboriginal people themselves.

My aim is to highlight governance process innovations that could be considered and adapted to support the self-determination that First Nations people have a right to and are asking for. I will offer comments and suggestions that I hope reflect and support the views of First Nations people, particularly in the South West of the State.

Participatory Democracy is a key policy of the Greens (WA). We argue that we need to:

radically expand the democratic processes and institutions of our society. We believe that people have a fundamental right and responsibility to be directly involved in the economic and political decisions that both affect their lives and which impact on the environment. In order to achieve our vision of democracy, it is vital to decentralise our decision-making processes. This includes recognising groups that currently do not have the power to take decisions¹.

¹ <https://greens.org.au/wa/policies/participatory-democracy>.



Email southwest.evers@mp.wa.gov.au
Phone (08) 9486 8070

Address 7 Harvest Tce, West Perth
Postage PO Box 949, West Perth WA 6872

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Participatory Democracy or Deliberative Democracy involves three critical components: representativeness/inclusiveness; deliberation and influence².

This is in keeping with the Government’s commitment to empowerment and self-determination of First Nations people, and the recognition that government systems, structures, policies and programs should contribute to First Nations people’s empowerment and self-determination; and that the Government’s primary role is to support First Nations people, families and communities to solving their problems. This is a message I am hearing loud and clear from the South West Aboriginal Land and Sea Council (SWALSC). I am also encouraged by the commitment to adopting a whole-of-government approach to this task. This is essential.

Similarly, the comment that ‘structures that bring decision-making closer to communities allows the decisions to be more responsive to realities on the ground, and to incorporate local knowledge about local conditions. Importantly, it creates space for culturally-informed solutions’ is encouraging and resonates with the philosophy of Participatory Democracy.

The strategy notes a number of high level ideas that I agree are necessary for First Nations ‘people’s self-determination, such as the need to recognise and support Aboriginal leadership, representation and engagement, including through formal recognition of, and where necessary establishment of, regional structures that represent Aboriginal people’; and ‘supporting strong and accountable governance in remote communities’.

A key challenge will be to develop governance *structures* and *processes* that actually enable this. Innovative approaches to governance will be needed to achieve these goals.

Innovations and alternatives

A participatory or deliberative democracy framework could enhance decisions that address the need to ensure ‘Aboriginal people have a formal and systematic role in decision-making processes’, as outlined in the table below.

Table 1: Relevant components of deliberative democracy

Strategy ideas	Relevant components of deliberative democracy
Clear identification of who should be involved and why.	<ul style="list-style-type: none"> • Representativeness/inclusiveness • Deliberativeness/informed dialogue • Influence
Different levels of involvement for different types of decisions, from advisory to participation to partnership	<ul style="list-style-type: none"> • Deliberativeness/informed dialogue • Influence
Different roles for subject-matter expertise (e.g. health, education, economic development, trauma and healing etc.), cultural authority, and community representation.	<ul style="list-style-type: none"> • Deliberativeness/informed dialogue
Appropriate supports or processes to accommodate language or cultural barriers to participation	<ul style="list-style-type: none"> • Representativeness/inclusiveness

The strategy suggests developing policy and system reforms, by commissioning services, including shared with other agencies and coordinating service delivery. However, the SWALSC emphasises that Aboriginal people should develop solutions to Aboriginal problems, and they would like to see Government transition out of the service delivery space. They suggest that the government should

² For more information see: www.publicdeliberation.net/cgi/viewcontent.cgi?article=1002&context=jpd

“buy outcomes” rather than “provide services”, and that ‘Aboriginal community-controlled organisations’ should deliver the outcomes, with appropriate accountability and evaluation. Examples of services that this should apply to include children’s services, and the Caring for Country ranger programs.

I am therefore very glad to see the strategy’s focus on ‘changing the way services are designed, funded, and procured to i) significantly increase the involvement of Aboriginal community-controlled organisations; and ii) support the development of Aboriginal community-controlled organisations’ capacity to deliver services to their communities’. I would like to see additional government resourcing for the relevant services, and agree that they should be provided by First Nations community-controlled organisations.

Promising collaborative governance approaches are being developed in WA. A cooperative management committee has been proposed to manage conservation issues related to Indigenous Land Use Agreements (ILUAs). Importantly, the committee will have six First Nations representatives, six government representatives and a First Nations Chair. Hopefully this structure will lead to wise and effective decision making through First Nations self-determination.

However, simply having a good structure does not necessarily mean it will function well. Key determinants of the success of this governance set-up will relate to how the committee works, such as the quality of dialogue, the degree to which the dialogue is informed and inclusive, whether existing power relations intrude into the committee’s space, and the impact of the decisions made. Facilitation and dispute resolution may be required, and the committee will have to be provided with adequate resourcing. Evaluation, including deliberative evaluation, would help to ensure accountability so transparent acquittal of funding is achieved, that contracts are well-managed, and the governance processes itself is effective. Typically, such processes evolve, so an iterative, deliberative annual or biannual evaluation process is necessary.

In addition, First Nations traditional governance practices can be included or inform the development of new governance structures that link First Nations communities and government. For instance, in a Citizen’s Jury run in Perth, a sub-group of the randomly selected jurors which included a First Nations juror, Lois Olney, drew on her experience to learn about and endorse an Indigenous Bush Assembly as a way to make decisions about critical issues. Ms Olney explained that ‘As an Indigenous person I draw from an example that happens from where I come from’. The jury ‘admired the method of the Indigenous Bush Assembly, which is a circled meeting, and believe this should be incorporated into other deliberative methods’³. The Jury explained that they were

impressed by what we learnt about how Indigenous people make decisions on matters of significance, such as water. We found it difficult, however, to be precise about how the views of these bush assemblies should be integrated into the decisions of Western Australia as a whole. We understand the difficulty that many Indigenous people have in participating in current political discussions. We want their voice to be heard and hope

³ The jury was designed and facilitated by Ned Crosby, a world-renowned deliberative democracy expert from the Jefferson Center in the United States see: <https://jefferson-center.org/wp-content/uploads/2012/10/Community-Engagement-and-Deliberative-Democracy.pdf> (page 12).

the government will find innovative ways to integrate their views into the views of the citizenry as a whole⁴.

An Indigenous Bush Assembly was described by Juror Lois Olney as a way 'To empower the elders and Indigenous people in remote communities to have their issues recognised and have a voice independent of any other deliberation method used.' As Ms Olney emphasised, 'Cultural practices of Indigenous people are still in practice. Events like the Bush Assembly and circled meetings are a time honoured tradition'. In Roebourne, Indigenous people form a Bush Assembly or Circled Meeting to discuss relevant issues in their community, the elders being the ultimate judges of fairness and cultural practices of respect for the elders. Issues are resolved through Bush Assemblies or Circle Meetings, then reports are recorded and passed to relevant people for the next process⁵.

Ms Olney and the other jurors co-designed a way to connect the traditional bush assembly to government decision-making processes:

1. In a Bush Assembly, outcomes come from the voice of the people and elders oversee the assembly to ensure that cultural rights and practices are respected.
2. Then as an outcome from their process of the Bush Assembly, a conclusive report is given to each person who has participated. The records are presented by a representative of the Bush Assembly at subsequent deliberative processes of the broader population.

While there are many relevant examples of effective collaborative governance at the grassroots, as well as between government and First Nations and other communities internationally⁶, it is imperative that the governance structures and techniques intended to support First Nations people's self-determination in Western Australia are themselves developed collaboratively. For this reason, I am not recommending specific governance structures or deliberative techniques. I am only suggesting that the field of deliberative, collaborative governance could provide valuable insight or inspiration into *how* the high-level ideas in the strategy could be achieved.

There are many publicly available resources that could be used to inspire innovation in governance for the purposes of this strategy, including:

- the University of Canberra's Centre for Deliberative Democracy and Global Governance (<https://www.governanceinstitute.edu.au/centres/deliberative-democracy-and-global-governance>);
- New Democracy (<https://www.newdemocracy.com.au/#>);
- the US-based National Coalition for Dialogue and Deliberation (NCDD) (<http://ncdd.org/>); and
- Participedia (<https://participedia.net/>).

⁴ <https://jefferson-center.org/wp-content/uploads/2012/10/Community-Engagement-and-Deliberative-Democracy.pdf> (page 14).

⁵ <https://jefferson-center.org/wp-content/uploads/2012/10/Community-Engagement-and-Deliberative-Democracy.pdf> (page 17, 18).

⁶ Gollagher, Margaret and Hartz-Karp, Janette. 2013. The Role of Deliberative Collaborative Governance in Achieving Sustainable Cities. *Sustainability*. 2013 (5): pp. 2343-2366.

No doubt, governance innovations that emerge as a result of collaborations promoted through the Aboriginal Empowerment Strategy will in turn help to inspire and inform other people around the world.

If First Nation's people are able to achieve effective self-determination through participatory processes, including those that have been practiced traditionally, this would provide crucial evidence of the value of collaboration and empowerment that could benefit many Western Australian communities. A whole-of government approach touched on in the strategy is also needed to address many Western Australian issues.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Diane", written in a cursive style.

Hon Diane Evers MLC

Member for South West Region

27 March 2020